

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADRINA ANDERSON,) CASE NO. C09-1859-MAT
)
 Plaintiff,)
)
 v.) BRIEFING SCHEDULE FOR A
) SOCIAL SECURITY CASE
)
 MICHAEL J. ASTRUE,)
 Commissioner of Social Security,)
)
 Defendant.)
)

Scheduling of Briefing

On March 15, 2010, the answer and administrative record were filed by defendant in this case. The court is now ready to consider the parties' arguments. Based on the date of filing of the answer and administrative record, the following deadlines are established for the parties to file their briefs:

Plaintiff's Opening Brief is due by: April 14, 2010

Defendant's Answering/Responsive Brief is due by: May 12, 2010

Plaintiff's optional Reply Brief is due by: May 26, 2010

01 **A showing of good cause is required with any request for extension of this briefing**
02 **schedule.** Please Note: Motions for Summary Judgment are not to be filed in lieu of filing the
03 above-referenced briefs.

04 Guidelines for Briefs

05 Briefs must conform to the requirements of Local Rule CR 7(e)(3) as to length.
06 Therefore, plaintiff's Opening Brief and defendant's Responsive Brief shall not exceed
07 **twenty-four (24)** pages, and any Reply Brief shall not exceed **twelve (12)** pages. Briefs must
08 also conform to the formatting requirements outlined in Local Rule CR 10. Plaintiff's date of
09 birth must be redacted back to the year of birth in accordance with Federal Rule of Civil
10 Procedure 5.2(a) and the General Order of the Court regarding Public Access to Electronic Case
11 Files, pursuant to the official policy on privacy adopted by the Judicial Conference of the
12 United States.

13 The Opening Brief and the Responsive Brief shall follow the following format:

14 A. Summary of the Case

15 Plaintiff shall provide a brief summary of the procedural history of the case. The
16 Commissioner need not respond to plaintiff's summary unless there is a disagreement. **The**
17 **parties shall not include a lengthy recitation of background facts or medical evidence.**
18 **Rather, a discussion of the relevant facts should be included in the context of specific**
19 **assignments of error.**

20 B. Statement of Issues Presented for Review

21 Plaintiff shall list clearly and concisely, in neutral fashion, the disputed issues raised as
22 grounds for reversal and/or remand. The Responsive Brief should state the Commissioner's

01 position on the disputed issues. A general statement of the issue, such as "Whether the ALJ's
02 decision is supported by substantial evidence and free from legal error," is neither specific nor
03 helpful to the Court.

04 C. Argument

05 The Opening Brief shall set forth plaintiff's legal argument regarding each issue and the
06 Responsive Brief shall be directed to the specific issues raised by plaintiff. The briefing
07 should include citations to the page(s) of the administrative record and complete citations to
08 relevant legal authority.

09 The Court is familiar with the standard of review and the sequential evaluation process,
10 so the parties should avoid boilerplate discussions of those governing legal standards. Rather,
11 the parties should focus on applying relevant and controlling legal authority to the facts
12 germane to each disputed issue.

13 D. Relief Requested

14 The parties' briefs should contain a clear statement of the relief requested.

15 **Noncompliance with the above requirements may result in the briefs being**
16 **stricken or returned for correction.**

17 Electronic Filing

18 The parties are reminded that all attorneys admitted to practice before this court must
19 file all pleadings electronically via CM/ECF, unless specifically directed to do otherwise (as in
20 the case of return of a Consent to Proceed Before a Magistrate Judge). Additionally, it is the
21 responsibility of all attorneys to ensure that the email address(-es) listed on his or her CM/ECF
22 account is correct. **Notification of orders and/or reports and recommendations issued by**

01 **this court will only be provided via email to the address(-es) you have provided. No**
02 **paper copies will be mailed.** For detailed information of the electronic filing and notification
03 requirements, please point your web browser to: <http://www.wawd.uscourts.gov> .
04 Additionally, the CM/ECF helpdesk may be reached by telephone at (206) 370-8440 or (866)
05 323-9293.

06 The preceding paragraph does not apply to *pro se* plaintiffs. For such litigants, the
07 court will still issue all orders and reports and recommendations via first-class mail, and he or
08 she may still file any documents with this court in paper form.

09 Oral Argument

10 Either party may request oral argument by inclusion of the text “ORAL ARGUMENT
11 REQUESTED” in the caption of any of the briefs. A request for oral argument is not
12 automatically granted. The Court will defer ruling on the request for oral argument until such
13 time as the Court has reviewed all briefing and the transcript. Counsel will be notified by
14 Chambers if the request for oral argument is granted. Such a request may also be received in
15 letter form, no later than 10 court days after the last briefing deadline listed above.

16 Cases in Which the Commissioner Seeks Remand

17 In some cases, the Commissioner determines, after a review of the record, that a case
18 should be remanded for further proceedings and a new decision. Where plaintiff agrees, the
19 case in the court can be resolved by a stipulated remand. If the plaintiff does not stipulate to
20 remand but wishes to pursue an order by the court directing the award of benefits, the
21 Commissioner should present any argument for a remand in the Commissioner’s brief on the
22 merits. Plaintiff may then respond in the reply brief.

Determination Procedure

At the conclusion of briefing, or after oral argument (if requested and granted), the case will be ready for determination, under 42 U.S.C. § 405(g). The court shall make a detailed review of the administrative record, the briefing filed by the parties, and the court file, and shall then submit a written Report and Recommendation to the District Judge (for referral cases) or a Memorandum Opinion (for consent cases). If this matter is a referral from a district judge, you will have an opportunity to respond to the Report and Recommendation before the district judge takes final action.

Contacting the Court

Depending on the nature of the inquiry, the parties are invited to contact the court in one of the following ways. For questions related to scheduling of oral arguments, please contact In-Court Deputy Clerk Judy Thomas at (206) 370-8420 [Judy.Thomas@wawd.uscourts.gov]. For inquiries directed to chambers (i.e. questions pertaining to the substance of any orders filed or issues regarding briefing scheduling), please contact Judicial Assistant Gary W. Burnopp at (206) 370-8890 [Gary.Burnopp@wawd.uscourts.gov]. Finally, any questions pertaining to the technical issues of filing documents electronically or receiving email notifications via CM/ECF should be directed to the CM/ECF helpdesk at (206) 370-8440 or (866) 323-9293.

18 DATED this 16th day of March, 2010.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge